

EXHIBIT 5

DECLARATION OF HILARY LONGSTREET

1. My name is Hilary Longstreet. I am over 18 years of age, am of sound mind, have never been convicted of a felony or crime involving moral turpitude, and I am otherwise fully competent to make this declaration. The facts contained in this declaration are true and correct, and are within my personal knowledge.

2. I started working for Banditos on April 20, 2012. I mostly work at the Plano location of the restaurant.

3. I have worked at the Banditos in Dallas on occasion.

4. The people that own and operate the Banditos in Dallas and Plano also own and operate the Katy Trail Icehouse.

5. I am also aware of other employees who normally work at the Plano Banditos location, but have worked at the Dallas Banditos location and the Katy Trail Ice House when needed.

6. I am also aware of employees who normally work at the Dallas Banditos location and the Katy Trail Ice House location working at the Plano Banditos.

7. All three locations share a Bookkeeper, Gary Littlefield, a Food Director, Jonathan Lacy, and, at times, share managers on an as needed basis whenever one location is busy or a manager goes on vacation.

8. Also, all three locations do training together from time to time. In fact, last month in March 2013, all three locations required all employees to go to one of

three training sessions. At each session was a mix of employees from the three locations. The training was on customer service.

9. All three locations use the same computer system. The clock in machines are all the same, and require you to sign in by fingerprint. All three locations also use Focus, which is the Point of Service ("POS") system.

10. It is my understanding that Joe Tilloston and George "Buddy" Cramer, Jr. are the owners of all three locations.

11. Both of the owners are actively involved in the restaurants and regularly come into the restaurants and check up on what is going on. When they come in they walk around the restaurants checking on all aspects, talk with the managers about the store, and have meetings with potential new staff.

12. Mr. Tilloston and Mr. Cramer also monitor whether or not the managers at the locations arrive on time. I am aware of this because they will call the store if the manager is not clocked in on time.

13. To my knowledge, all employees at the restaurant, other than some of the managers, are hourly employees.

14. Up until recently, after this suit was filed, an employee who is "cross trained" had the ability in the computer system to clock in under multiple job titles.

15. I was instructed to clock in under a specific job title based on what I was assigned to do for that shift.

16. For example, I had the ability to clock in as: (1) Server, (2) Bartender, (3) Bar Weekday, (4) Server Trainer, and (5) Hostess.

17. On any given day I might be required to work under multiple job titles.

18. Generally, every week I worked under more than one job title.

19. I am aware of multiple other employees who did the same.

20. When working multiple job titles in a week I would at times work more than forty hours in a week.

21. However, when I received my paycheck for those weeks, the hours I worked in each job title were split out as if I was a different employee in the different job titles.

22. Because the hours were broken out by individual job titles, I did not get overtime when the job titles totaled more than forty hours during a week.

23. I complained about not being paid overtime to Mr. Littlefield on several occasions. Each time he told me that I could only get paid overtime if I worked more than eighty hours in a two-week period and that it had to be clocked under the same job title. Mr. Littlefield also said that other people had tried to do a case against him before and had lost.

24. I did not know that I might be entitled to overtime pay that I was not receiving until consulting with an attorney. Based on my experiences and/or observations, other employees do not know that their right to overtime is being violated. Based on my experiences and/or observations, these employees would join this lawsuit if they were informed of their rights.

25. Attached to this declaration are also copies of some of my paychecks and time reports. These are true and correct copies of the paychecks I received from Defendants and time reports that I printed out from Defendants' computer system.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

4/23/13

Signature:



Hilary Longstreet

Time Card (8/24/2012 10:22:21 PM)
 Longstreet, Hilary
 8/13/2012 - 8/26/2012

Date	In	Out	Hours	Job
08/13/12	10:20	14:13	3.88	Server
08/13/12	16:39	22:12	5.40	Server
08/14/12	09:58	13:11	3.58	Server
08/14/12	15:58	23:12	7.23	Server
08/15/12	10:00	14:17	4.23	Server
08/16/12	15:06	23:14	8.10	Bartender
08/17/12	10:00	13:03	3.30	Server
08/18/12	15:04	23:43	7.93	Server
08/19/12	06:13	13:59	4.33	Server
08/19/12	17:02	23:25	6.38	Bartender
08/20/12	10:00	14:46	4.77	Server
08/20/12	17:00	18:10	0.17	Server
08/21/12	10:00	14:52	4.92	Server
08/22/12	10:00	15:12	5.12	Server
08/22/12	16:00	17:28	1.28	Server
08/23/12	10:00	13:33	3.73	Bartender
08/23/12	16:12	17:00	0.78	Server
08/23/12	10:12	14:20	4.53	Bartender
08/24/12	10:05	16:16	6.18	Server
08/24/12	16:16	22:18	6.03	Server
Total Hours			91.90	

Company Code Number Page
 RN / MSJ 20478197 162424 1 of 1
 Plano Amigos LP
 5956 Sherry Ln Ste 850
 Dallas, TX 75225

Period Starting: 08/13/2012
 Period Ending: 08/26/2012
 Pay Date: 08/31/2012



Taxable Marital Status: Married
 Exemptions/Allowances: Tax Override:
 Federal: 0 Federal: 10.00 Addnl
 State: 0 State:
 Local: 0 Local:
 Social Security Number: [REDACTED]

Hilary Longstreet
 [REDACTED]
 [REDACTED]

Earnings	rate	hours	this period	year to date
Regular			0.00	120.83
Tipped hours	2.13	28.62	60.96	1527.41
Tipped hours	2.13	73.89	157.39	
Tipped overtime hours			0.00	127.25
Cash tips		0.00	397.89	
Cash tips		0.00	168.00	3954.51
Gross Pay			\$784.24	\$5,730.00

Other Benefits and Information	this period	year to date
Tip Credit	524.85	3671.50
Deposits		
account number	trans/ABA	amount
[REDACTED]	XXXXXXXXXX	116.76

Statutory Deductions	this period	year to date
Federal Income	-57.27	333.79
Social Security	-32.94	240.66
Medicare	-11.38	83.09
Voluntary Deductions	this period	year to date
Miscellaneous	0.00	50.00
Net Pay	\$116.76	

Your federal taxable wages this period are \$784.24

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